

**SUMMARY REPORT OF INVESTIGATION****I. EXECUTIVE SUMMARY**

|                            |                            |
|----------------------------|----------------------------|
| Date of Incident:          | June 1, 2017               |
| Time of Incident:          | 9:00 am                    |
| Location of Incident:      | ████████ Chicago, IL 60625 |
| Date of COPA Notification: | July 3, 2017               |
| Time of COPA Notification: | 11:56 am                   |

On July 1, 2017 Sergeant ██████████ from Unit ██████████ called the Independent Police Review Authority (IPRA)<sup>1</sup> and registered a complaint on behalf of the complainant, ██████████ against her estranged husband, Officer ██████████ Ms. ██████████ alleged that Officer ██████████ pushed their son, ██████████ causing him to strike his head against a wall.

On October 17, 2017, during an interview with COPA, Officer ██████████ provided a statement denying his physical contact with ██████████ and provided COPA with a report regarding his conversation with Detective ██████████ on July 1, 2017 with respect to the allegations related to his physical contact with ██████████ COPA investigated whether the statements Officer ██████████ provided were false.

**II. INVOLVED PARTIES**

|                         |                                                                                                                                                                              |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Involved Officer #1:    | Officer ██████████<br>Star ██████████ / Employee ID ██████████<br>Date of Appointment: ██████████ 1999<br>Unit: ██████████<br>Date of Birth: ██████████ 1969<br>Male / Asian |
| Involved Individual #1: | ████████<br>Date of Birth: ██████████ 1963<br>Female / White                                                                                                                 |
| Involved Individual #2: | ████████<br>Date of Birth: ██████████ 2004<br>Male / White                                                                                                                   |

**III. ALLEGATIONS**

<sup>1</sup> As of September 15, 2017, the Civilian Office of Police Accountability took over the Independent Police Review Authority (IPRA). For the purpose of this report, COPA will be used instead of IPRA.

| Officer            | Allegation                                                                                                                                                                                                                                                                                                                                                                                           | Finding                                                                      |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Officer [REDACTED] | 1. Pushed [REDACTED] in violation of Rule 8.<br><br>2. Struck [REDACTED] in violation of Rule 8.<br><br>3. Provided COPA a false report regarding his physical contact with [REDACTED] in violation of Rule 14.<br><br>4. Provided COPA a false report regarding his conversation with Detective [REDACTED] on July 16, 2017 regarding the physical contact with [REDACTED] in violation of Rule 14. | NOT SUSTAINED<br><br>NOT SUSTAINED<br><br>NOT SUSTAINED<br><br>NOT SUSTAINED |

#### IV. APPLICABLE RULES AND LAWS

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##### Rules

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1. Rule 8: Disrespect or maltreatment of any person, while on or off-duty.
2. Rule 14: Making a false report, written or oral.

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#### V. INVESTIGATION<sup>2</sup>

##### a. Interviews

In a statement to COPA<sup>3</sup> on July 30, 2018, the **Complainant, Ms. [REDACTED]** stated she called Officer [REDACTED] because their son, [REDACTED] did not want to go to school. Officer [REDACTED] arrived at Ms. [REDACTED] residence, told [REDACTED] to get ready, and exited the apartment with [REDACTED]. When [REDACTED] returned home from school, he informed his mother, [REDACTED] that Officer [REDACTED] pushed him in the hallway causing him to hit his head on the wall. When Ms. [REDACTED] confronted him, Officer [REDACTED] denied that [REDACTED] hit his head but admitted that he grabbed [REDACTED]. Ms. [REDACTED] told COPA that she wanted to withdraw the complaint and that there were no other incidents where Officer [REDACTED] harmed [REDACTED] or anyone else. Ms. [REDACTED] related she filed the complaint a month after the incident occurred, because Officer [REDACTED] had removed all their money from their bank accounts just before she made the complaint. Ms. [REDACTED] indicated that she had other motives as to why she filed the report but mostly it was because she was angry at Officer [REDACTED] for their marital and financial situation. Ms. [REDACTED] did not notice any injuries to [REDACTED] and he did not receive any medical attention. Ms. [REDACTED] described Officer [REDACTED] as a good father but a bad husband.

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<sup>2</sup> COPA conducted a thorough and complete investigation. The following is a summary of the material evidence gathered and relied upon in our analysis.

<sup>3</sup> Att. 6.

In his statement to COPA<sup>4</sup> on August 31, 2017, **Victim**, [REDACTED] stated that, on the date of this incident, he refused to go to school, so his mother, Ms. [REDACTED] called his father Officer [REDACTED]. Officer [REDACTED] came to their apartment and told him to get ready, so he complied with hesitation. Officer [REDACTED] then grabbed [REDACTED] arm and took him downstairs, while Ms. [REDACTED] stayed inside the apartment. [REDACTED] indicated that, as they walked down the stairs, he stopped, because his leg was hurting. Officer [REDACTED] pushed him from behind, caused him to stumble and strike his head against the wall. [REDACTED] indicated that he fell approximately 4 to 6 steps down. He returned to his feet, walked to the car, and went to school. While in school, [REDACTED] friends noticed his head was swollen and asked him what happened. [REDACTED] told his friends but did not tell any school staff members what occurred. [REDACTED] believes Officer [REDACTED] pushed him because he was mad that [REDACTED] did not want to go to school and had hesitated on the stairs. [REDACTED] does not recall what he told his mother, but he told his [REDACTED] that his dad pushed him. [REDACTED] related that Officer [REDACTED] apologized afterwards and told him that he was sorry for pushing him down the stairs. Officer [REDACTED] told him that he was mad because [REDACTED] did not want to go to school and was acting up. [REDACTED] had no injuries, did not seek medical treatment, and did not take any photographs of any injuries. [REDACTED] complained that his head was sore for two days.

In his statement to COPA<sup>5</sup> on November 16, 2017, **Detective** [REDACTED] from Area [REDACTED] was assigned the Domestic Battery case reported by Ms. [REDACTED] against her husband Officer [REDACTED]. Detective [REDACTED] reclassified the case to Offense Involving Child Abuse. Detective [REDACTED] did not complete any General Progress Reports or retain any notes regarding his investigation or the interviews he conducted with the [REDACTED] family. Detective [REDACTED] indicated that, upon completion of the investigation, he did not suspect neglect or child abuse and closed the case as Unfounded.

Detective [REDACTED] stated that during his interview with Ms. [REDACTED] she wanted to retract the report she filed against Officer [REDACTED] because she only filed the report a month later due to a financial dispute between them. Ms. [REDACTED] further informed him that Officer [REDACTED] shoved [REDACTED] head against a wall in the foyer area downstairs in their building. Detective [REDACTED] also spoke with [REDACTED] who told him that he refused to go to school and Officer [REDACTED] came to the apartment. As they walked down the stairs, [REDACTED] was walking slowly as retaliation, and Officer [REDACTED] slapped him on the back of his head or back area. Detective [REDACTED] was not sure exactly where on the body [REDACTED] was slapped. The slap caused [REDACTED] to fall against a wall and strike his head. [REDACTED] did not sustain any injuries and no medical treatment was needed. [REDACTED] told Detective [REDACTED] that he did not tell the school staff of the incident and that he did not believe his father was not out of line for these actions.

Detective [REDACTED] stated he saw Officer [REDACTED] at Area [REDACTED] two days after obtaining an interview with Ms. [REDACTED] and [REDACTED] and conducted an interview with him.<sup>6</sup> Officer

<sup>4</sup> Att.

<sup>5</sup> Att. 45.

<sup>6</sup> It should be noted that Detective [REDACTED] indicated that he was alone with Officer [REDACTED] during this interview and no other police officers were present. Additionally, Detective [REDACTED] did not have any General Progress Report (GPR) notes documenting this interview. COPA notes concern about this interaction between Detective [REDACTED] and Officer [REDACTED]. Best policies and practices would recommend always having another officer present for this type of interview and taking notes during such an interview if it is not being recorded. Furthermore, it was inappropriate for Detective [REDACTED] to interview Officer [REDACTED] at the station while Officer [REDACTED] was working.

█████ told him that █████ refused to go to school and he went to the apartment. █████ purposely walked slowly down the stairs at which time Officer █████ “swatted” █████ as they reached downstairs, causing █████ to stumble against a wall. Officer █████ did not believe █████ struck his head and did not see or hear █████ complain of any injuries. Detective █████ could not recall if Officer █████ or his family members mentioned that there was any prior physical contact between █████ and Officer █████ as they were going down the stairs other than the contact by the foyer.

In his statement to COPA<sup>7</sup> on October 25, 2017, Officer █████ stated he and Officer █████ were partners and he has knowledge of Officer █████ marital status and his problems at home between his wife and adopted son. Officer █████ stated that █████ filed a complaint against Officer █████ for striking their adopted son and because of their financial situation. Per Officer █████ Officer █████ denied striking █████. On July 16, 2017, while working with Officer █████ they transported a prisoner to the █████ District. While at the █████ District, a Detective, now identified as Detective █████ pulled Officer █████ to the side to talk about the complaint filed by █████. Officer █████ handled the prisoner while Officer █████ talked to the Detective. Officer █████ was not present during the conversation between Detective █████ and Officer █████. Officer █████ did not have knowledge of any other complaints against Officer █████.

In his statements to COPA<sup>8</sup> on October 17, 2017 and May 8, 2018 Officer █████ stated he and his estranged wife, █████ have been separated for a while and reside in different homes. They have a son they adopted, █████ has been refusing to go to school and uses his medical condition as an excuse to stay home. On the date of this incident, Ms. █████ called Officer █████ and he went to the apartment to get █████ ready for school. █████ began to walk slowly down the stairs, flailed his arm, and hesitated. Officer █████ placed his arm around █████ arm and escorted him down the stairs. As they were going down the stairs, █████ flailed his arm again and stumbled at one point, striking the wall. Officer █████ did not believe █████ head struck the wall, since he was still holding █████ and he never complained of any pain or injury.

Officer █████ stated that when he and his partner Officer █████ transported a prisoner on July 16, 2017, he was approached by Detective █████. The detective informed him that he was investigating a complaint of child abuse filed by his wife. Officer █████ stated that the conversation was brief but that he did not tell the detective that he swatted █████ or pushed him in any way. Further, Officer █████ denied “swatting” or pushing █████ on his back or the back of his head. Officer █████ stated that Detective █████ did not conduct a formal interview with him and he did not recall giving the information documented in the case report to Detective █████. Officer █████ denied providing a false report to COPA or Detective █████. Officer █████ stated that the reason █████ and █████ made the allegations against him was because of the separation between himself and Ms. █████. Officer █████ denied using pushing or striking his son and could not explained where Detective █████ obtained the information documented in his reports. Officer █████ acknowledged that he documented the numerous threats or situations that

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<sup>7</sup> Att. 42.

<sup>8</sup> Atts. 38, 60, 61, 64.

occurred via telephone, text message, and email with Ms. [REDACTED] on various dates in numerous reports<sup>9</sup>.

### b. Documentary Evidence

The **Initiation Report**<sup>10</sup> from Sergeant [REDACTED] related that Officer [REDACTED] estrange wife, [REDACTED] walked into the [REDACTED] District Station and alleged that, in June, Officer [REDACTED] pulled their son, [REDACTED] into the hall and slammed [REDACTED] head against a wall because he did not want to go to school.

In the **Case Original Incident Report**<sup>11</sup> it was documented that [REDACTED] did not want to go to school, so Officer [REDACTED] pulled [REDACTED] into the hallway of the building and slammed his head into a wall. No injuries or medical attention was reported.

In the **Supplementary Report**<sup>12</sup>, Detective [REDACTED] documented the interviews conducted with [REDACTED] and Officer [REDACTED] and evidence regarding the complaint filed against Officer [REDACTED].

The report indicates that, in her interview with Detective [REDACTED] indicated that she wanted to retract the report and told Detective [REDACTED] that she filed the complaint because she was bitter and angry at Officer [REDACTED] for draining their joint bank accounts when he left her. This report also reflects that Ms. [REDACTED] stated that [REDACTED] informed her that Officer [REDACTED] shoved his head against a wall on the first floor, and she believed that Officer [REDACTED] struck [REDACTED]. Furthermore, she stated that [REDACTED] did not have any injuries and he did not receive any medical treatment. Additionally, the report indicates [REDACTED] told Detective [REDACTED] that Officer [REDACTED] struck his head into a wall causing no injury, but his head was hurting. After his interview with Officer [REDACTED] Detective [REDACTED] documented that Officer [REDACTED] told him that when he arrived at the apartment, he told [REDACTED] to get his stuff, go down the stairs, and go to school. Officer [REDACTED] related that he swatted [REDACTED] in the back when reaching the bottom of the stairs. [REDACTED] fell against a wall but that Officer [REDACTED] did not think that [REDACTED] struck his head. [REDACTED] did not complain to Officer [REDACTED] of any pain or injury. Officer [REDACTED] was not contacted by DCFS. Detective [REDACTED] documented that Officer [REDACTED] actions were within legal limits with respect to criminal charges, and he did not call DCFS because there was no suspicion of neglect or abuse.

The report also documented that [REDACTED] admitted that her motivation for filing the report was anger over a marital and financial dispute. There were no reported injuries or medical treatment and no other witnesses to the incident.

## VI. ANALYSIS

COPA's finding is **NOT SUSTAINED** for Allegation #1 and Allegation #2, that Officer [REDACTED] pushed and struck [REDACTED]. Although [REDACTED] told his mother, COPA, and Detective [REDACTED] that Officer [REDACTED] pushed him because he was refusing to go to school and hesitating when going down the stairs, there is insufficient evidence to determine whether this

<sup>9</sup> Atts. 5, 7-9, 14, 16, 27, 39, 47, 49 – 52, 62 – 63.

<sup>10</sup> Att. 3.

<sup>11</sup> Att. 4

<sup>12</sup> Att. 18

occurred. Officer [REDACTED] denies that he pushed [REDACTED] Ms. [REDACTED] indicated that [REDACTED] was reluctant to leave and go to school that day. Although Detective [REDACTED] documented that Officer [REDACTED] told him that he swatted [REDACTED] from behind causing him to fall onto a wall, Officer [REDACTED] denies saying this to Detective [REDACTED] and Detective [REDACTED] has no contemporaneous notes to corroborate this information. Additionally, there were no witnesses nor were there any injuries to [REDACTED] While it is clear there was some sort of altercation that occurred between Officer [REDACTED] and his son [REDACTED] there is insufficient evidence to prove or disprove that Officer [REDACTED] intentionally pushed [REDACTED] causing him to strike his head. Accordingly, COPA finds this allegation is not sustained.

COPA's finding is **NOT SUSTAINED** for Allegation #3, that Officer [REDACTED] provided a false report to COPA regarding his physical contact with [REDACTED] Although [REDACTED] and [REDACTED] told COPA that Officer [REDACTED] pushed and struck [REDACTED] there are no witnesses or other evidence to support or refute that Officer [REDACTED] gave a false report to COPA regarding his contact with [REDACTED] Detective [REDACTED] documented his conversation with Officer [REDACTED] regarding his contact with [REDACTED] but failed to complete any Progress Reports or keep his notes to support his documentation. Officer [REDACTED] denied telling Detective [REDACTED] the information on the case report. Therefore, due to lack of witnesses or any other evidence COPA recommends a finding of not sustained for this allegation.

COPA's finding is **NOT SUSTAINED** for Allegation #4, that Officer [REDACTED] provided COPA a false report regarding his conversation with Detective [REDACTED] on July 16, 2017 regarding the physical contact with [REDACTED] There is insufficient evidence to support or refute this allegation. Detective [REDACTED] documented his conversation with Officer [REDACTED] regarding his contact with [REDACTED] but failed to complete any Progress Reports or keep his notes to support his documentation. Officer [REDACTED] denied telling Detective [REDACTED] that he swatted or struck [REDACTED] or the details documented in the Supplement Case Report. Therefore, due to lack of witnesses or any other evidence COPA finds this allegation is not sustained.

## VII. CONCLUSION

Based on the analysis set forth above, COPA makes the following findings:

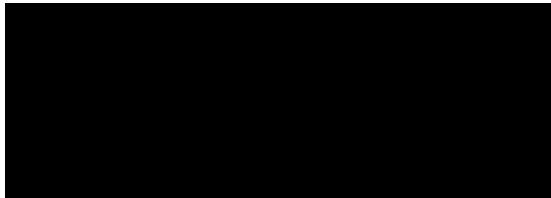
| Officer            | Allegation                                                                                              | Finding / Recommendation |
|--------------------|---------------------------------------------------------------------------------------------------------|--------------------------|
| Officer [REDACTED] | 1. Pushed [REDACTED] in violation of Rule 8.                                                            | Not Sustained            |
|                    | 2. Stuck [REDACTED] in violation of Rule 8.                                                             | Not Sustained            |
|                    | 3. Provided COPA a false report regarding his physical contact with [REDACTED] in violation of Rule 14. | Not Sustained            |
|                    | 4. Provided COPA a false report regarding his conversation with Detective [REDACTED] on [REDACTED]      | Not Sustained            |

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July 16, 2017 regarding the physical contact  
with [REDACTED] in violation of Rule 14.

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Approved:

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January 26, 2019

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Andrea Kersten  
*Deputy Chief Administrator – Chief Investigator*

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Date

**Appendix A**

## Assigned Investigative Staff

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|------------------------------------|----------------|
| <b>Squad#:</b>                     |                |
| <b>Investigator:</b>               |                |
| <b>Supervising Investigator:</b>   |                |
| <b>Deputy Chief Administrator:</b> | Andrea Kersten |